

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

DOUGLAS R.,)	Civil Action No. 5:23-cv-00966-DNH-CFH
)	
<i>Plaintiff</i>)	
v.)	
)	
MARTIN J. O'MALLEY,)	
COMMISSIONER OF)	
SOCIAL SECURITY,)	
<i>Defendant</i>)	Stipulation – Document Filed Electronically

Consent Order for Payment of Fees under the Equal Access to Justice Act

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties in the above-titled action that Plaintiff be awarded attorney fees and expenses under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412) in the amount of **seven thousand, eight hundred, seventy dollars and forty-three cents (\$7,870.43).**

It is further agreed that Plaintiff is awarded costs under 28 U.S.C. § 1920 in the amount of **\$402.00.**

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff and not to Plaintiff's attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the Court enters this award, if Defendant can verify that Plaintiff owes no preexisting debt subject to offset, Defendant agrees to make the award payable to Plaintiff's attorney pursuant to the EAJA assignment signed by Plaintiff and counsel.

AND, the Court having reviewed the record in this matter;

IT IS on this 17th day of April, 2024;

ORDERED that Plaintiff be awarded fees under EAJA in the amount of **\$7,870.43**, and that the fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset,

payable to Plaintiff's attorney.

ORDERED that the within matter is dismissed with prejudice.

The undersigned hereby consent to the form and entry of the within order.

Dated: April 16, 2024

Martin J. O'Malley,
Commissioner of
Social Security

Douglas R.,

By His Attorneys,

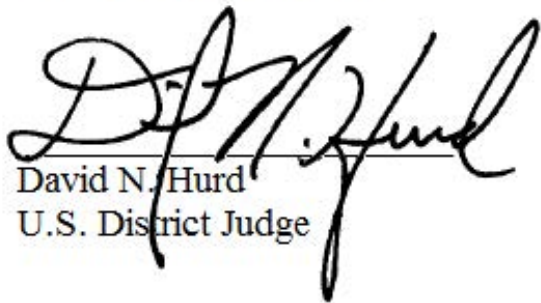
By His Attorney,

Carla B. Freedman,
United States Attorney

/s/ Geoffrey M. Peters
Geoffrey M. Peters
Special Assistant United States Attorney
NDNY Bar Roll No. 704027
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235
(212) 264-1298
Geoffrey.Peters@ssa.gov

/s/ Melissa M. Kubiak ¹
Melissa M. Kubiak, Esq.
Law Offices of Kenneth Hiller PLLC
6000 North Bailey Ave. - Suite 1a
Amherst, NY 14226
Telephone: 585-766-9735
Email: mkubiak@kennethhiller.com

IT IS SO ORDERED:



David N. Hurd
U.S. District Judge

Dated: 04-17-2024 _____

¹ Signed by SAUSA Peters on behalf of Attorney Kubiak with consent obtained via email on April 16, 2024.